

10/715,031

-8-

REMARKS

Claims 1-20 were pending in the application, of which Claims 1, 8, and 15 were independent claims. Claims 1-5, 7-12, 14-15, and 17-20 were rejected based on obviousness-type double patenting. Claims 1-3, 5-6, 8-10, and 12-13 were rejected under 35 U.S.C. § 102. Claims 4 and 8-13 were rejected under 35 U.S.C. § 103. In addition, Claim 8 was objected to. It is noted with appreciation that Claim 16 recites allowable subject matter. In response, certain claims have been amended and other claims added to the application. The art rejections, however, are traversed. A new Declaration has also been required.

Regarding Declaration

The Examiner has required a new Declaration, which is being filed concurrently with this Amendment. Acceptance is respectfully requested.

Regarding Objection to Claim 8

In response to the Examiner's objection, Claim 8 has been amended. Reconsideration and withdrawal of the objection is respectfully requested.

Regarding Double Patenting

Claims 1-5, 7-12, 14-15, and 17-20 stand rejected under obviousness-type double patenting based on claims in U.S. Patent No. 6,647,982. The Applicants request that this rejection be placed in abeyance until the claims are otherwise in condition for allowance.

Regarding Rejections Under Sections 102 and 103

Claims 1-3, 5-6, 8-10, and 12-13 stand rejected under 35 U.S.C. § 102(b) based on U.S. Patent No. 4,655,246 to Philipot et al. Furthermore, Claims 8-10 and 12-13 stand rejected under 35 U.S.C. § 103(a) based on Philipot. Dependent Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) based on Philipot in view of U.S. Patent No. 5,860,447 to Chu. These rejections are traversed.

10/715,031

-9-

Briefly, the Applicants disclose and claim a gas flow device, such as a regulator, that includes an outer body having an inner cavity and an inner element within the inner cavity. A gas fitting extends through an orifice in the outer body to engage with a coupling fixture on the outer wall of the inner element. This arrangement of parts secures the inner element within the inner cavity of the outer body. No such structure is disclosed or suggested by Philipot.

Philipot does indeed discuss a gas flow device having an outer body (12) with an inner cavity (54). The only orifice on the inner wall (42) that extends through the outer body is a vent passage (52).

Within the inner cavity (54) are several structures including a piston (40) and a flowmeter extension (90). None of the structures within the inner cavity (54) are engaged by "a gas fitting extending through the orifice." In fact, no structure extends through the vent passage (52).

Contrary to the teachings of Philipot, the Office Action asserts that a gas fitting (102) extends through an orifice (104, Fig. 7). First, that orifice (104) does not extend from the inner wall through the outer body as required by the claims. Second, that passage (104) is formed within the flowmeter body (90), not the outer body (12) as required by the claims. Third, the gas fitting (102) does not extend through that passage (104) (or the vent passage (52)) as required by the claims. Instead, the gas fitting (102) directly engages a coupling feature on the flowmeter extension (90) without first extending through any orifice of the outer body (12).

As such, the rejection based in whole or in part on Philipot cannot stand. Even if Philipot is combined with Chu, the deficiencies in Philipot are not cured by Chu. Because the independent claims are in condition for allowance, the dependent claims are also in condition for allowance. Furthermore, the dependent claims add additional patentable limitations.

Reconsideration of the rejections under 35 U.S.C. §§ 102 and 103 is respectfully requested.

10/715,031

-10-

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Rodney D. Johnson

Registration No. 36,558

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: *January 3, 2005*